

REMARKS

No claims are amended. Claims 27 - 72 are added and no claims are cancelled. Claims 1 - 72 are pending.

Applicant thanks the Examiner for favorable disposition examination of claims 1 - 26 in a Notice of Allowance mailed on January 28, 2005. Applicant agrees that these claims should be allowable over the documents of record. However, "allowable subject matter" delineated by the Examiner should be considered to be merely an example of what is covered by the claims. Accordingly, Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that such reasons may be construed to in any manner limit the scope of the claims or create prosecution history estoppel.

Claim 20 was amended by Examiner's amendment in the Notice of Allowance to change the phrase "all padding cells" to - -all padding bytes- - as reflected in the Amendment portion above.

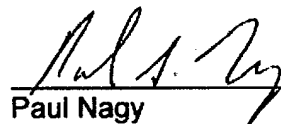
Applicant submits herewith in an Information Disclosure Statement that includes U.S. Patent No. 6,493,342 and a draft publication of IEEE 802.16.1-00/01r4, September 2000. Applicant has also added claims 27 - 72 which are believed to delineate allowable subject matter. Favorable action in this regard is respectfully requested.

In view of the foregoing amendments and remarks, the applicants respectfully submit that this application is in condition for allowance. However, if the Examiner finds an reason why this application is not in condition for allowance, the applicants request to contact the undersigned attorney by telephone at (310) 541-7832 to discuss the application.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

Dated: April 28, 2005



Paul Nagy
Reg. No. 37,896

5250 NE Elam Young Parkway
Suite 850
Hillsboro, OR 97124
(503) 640.6475